

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

**Commonwealth of Pennsylvania, State of
California, State of Delaware, District of
Columbia, State of Maine, Commonwealth of
Massachusetts, and State of North Carolina,**

Plaintiffs,

v.

Case No. 20-cv-4096

**Louis DeJoy, in his official capacity as
United States Postmaster General, Robert M.
Duncan, in his official capacity as Chairman
of the Postal Service Board of Governors,
and the United States Postal Service,**

Defendants.

**MOTION TO STAY DEADLINE FOR
RESPONDING TO COMPLAINT**

Pursuant to the Court’s “Guidelines for Counsel”¹ and F.R.C.P. 6(b), Defendants hereby move the Court to stay Defendants’ deadline for answering or moving to dismiss Plaintiffs’ Complaint, which is currently set for December 18, 2020. As this Court is aware, the Postal Service previously requested, and this Court previously granted, an extension to the Answer deadline based on the Postal Service’s pending obligations in numerous lawsuits throughout the country.² Several of these lawsuits remain active, and the Postal Service is involved in additional expedited discovery in two of these lawsuits.

¹ <https://www.paed.uscourts.gov/documents/procedures/mchpol.pdf>.

² See, e.g., *Pennsylvania v. DeJoy*, 20-cv-4096, ECF No. 63 (E.D. Pa. Sept. 28, 2020), as modified by ECF No. 70; *Jones v. USPS*, 20-cv-6516, ECF No. 57 (S.D.N.Y. Sept. 25, 2020), as modified by ECF No. 66; *Washington v. Trump*, 20-cv-3127, ECF No. 81 (E.D. Wash. Sept. 17, 2020), as modified by ECF No. 90.

Furthermore, the parties in this litigation are currently conferring over a schedule for remaining proceedings, which will include summary judgment briefing, and so the parties may later revisit the issue of an answer if and when it becomes necessary. The requested extension will not prejudice Plaintiffs because the Court has already issued a preliminary injunction, and the principal motivation behind the preliminary injunction, the November 2020 Election, has now passed.

Defendants have conferred with Plaintiffs, and Plaintiffs do not object to a stay of the answer deadline pending entry of a briefing schedule in the case.

Dated: December 11, 2020

Respectfully submitted,

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Assistant Branch Director, Federal Programs Branch

/s/ Kuntal Cholera
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[Proposed] Order

IT IS HEREBY ORDERED that Defendants' Motion to Stay the Deadline to Respond to Plaintiffs' Complaint is **GRANTED**.

It is **SO ORDERED** this ____ day of _____, 2020.

The Honorable Gerald A. McHugh
United States District Judge